

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

The City of Galena, Jo Daviess County,)
Illinois, a municipal corporation,)

Petitioner,)

vs.)

T02-0064

Chicago, Central & Pacific Railroad)
Company and The Burlington Northern)
and Santa Fe Railway Company,)

Respondents.)

Petition for approval of the acquisition)
of real estate in Jo Daviess County by)
exercising the power of eminent domain.)

RECEIVED
JUN 24 2003
Illinois Commerce Commission
RAIL SAFETY SECTION

MOTION TO DISMISS

NOW COMES Petitioner, CITY OF GALENA, by and through its attorneys, Hammer, Simon & Jensen, and in support of its Motion to Dismiss the pending matter before the Commerce Commission, states as follows:

1. On or about August 29, 2002, the City of Galena filed their Petition herein seeking permission from the Commerce Commission to institute imminent domain proceedings against the Chicago, Central & Pacific Railroad Company and The Burlington Northern and Santa Fe Railway Company.
2. Pursuant to negotiations between the City of Galena and The Burlington Northern and Santa Fe Railway Company, the City of Galena has acquired approximately 85 acres from a successor in interest to The Burlington Northern and Santa Fe Railway Company. Because the City of Galena is now title owner to the premises, the pending action set forth in Count II of the Petition against The Burlington Northern and Santa Fe Railway Company is moot.
3. Ongoing negotiations have taken place between the Chicago, Central & Pacific Railroad Company n/k/a Canadian National Railroad and the City of Galena with respect to property owned by the Canadian National Railroad, but the City of Galena has determined that it does not wish to acquire the premises identified in Count I and Count III at this time. Therefore, the City of Galena is requesting that Counts I and III be dismissed.

DOCKETED

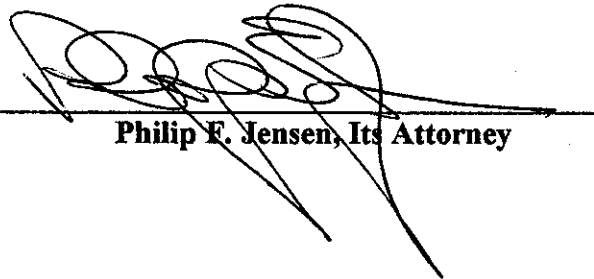
SV/ST

No. T02-0064

WHEREFORE, Petitioner, CITY OF GALENA, respectfully requests that the pending matter before the Illinois Commerce Commission be dismissed.

**CITY OF GALENA, Jo Daviess County
a municipal corporation, Petitioner**

BY:



Philip F. Jensen, Its Attorney

Philip F. Jensen, #6189013
HAMMER, SIMON & JENSEN
Attorney for Petitioner
303 North Bench Street
P.O. Box 270
Galena, IL 61036
TEL (815) 777-1101
FAX (815) 777-9241
Email: pjfensen@galenalink.com

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

The City of Galena, Jo Daviess County,
Illinois, a municipal corporation,

Petitioner,

vs.

Chicago, Central & Pacific Railroad
Company and The Burlington Northern
and Santa Fe Railway Company,

Respondents.

T02-0064

RECEIVED
JUN 24 2003

Illinois Commerce Commission
RAIL SAFETY SECTION

Petition for approval of the acquisition
of real estate in Jo Daviess County by
exercising the power of eminent domain.

NOTICE OF FILING

TO: See attached Service List (all via U.S. Mail)

PLEASE TAKE NOTICE that we have on this 18th day of June, 2003, mailed for filing with the Illinois Commerce Commission, a Motion to Dismiss in the above-referenced matter, a copy of which is hereby served upon you.

**CITY OF GALENA, Jo Daviess County,
Illinois, a municipal corporation, Petitioner**

BY: 

Philip F. Jensen, #6189013
HAMMER, SIMON & JENSEN
Attorney for Petitioner
303 North Bench Street
P.O. Box 270
Galena, IL 61036
TEL (815) 777-1101
FAX (815) 777-9241
Email: pfjensen@galenalink.com

SERVICE LIST

June B. Tate, Admin. Law Judge
Illinois Commerce Commission
160 North LaSalle Street, 8th Floor
Chicago, IL 60601
Fax: (312) 814-7289

Joseph VonDeBur
Railroad Section
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701
Tel: (217) 557-1286
Fax: (217) 785-7404

Michael L. Sazdanoff
Kenneth J. Wysoglad & Associates
118 S. Clinton Street, Suite 700
Chicago, IL 60661
Tel: (312) 441-0333
Fax: (312) 441-0770

Michael J. Barron, Jr.
Attorney at Law
455 N. Cityfront Plaza Drive, 20th Floor
Chicago, IL 60611
Tel: (312) 755-7954
Fax: (312) 755-7669